

DECEMBER 1, 2010

THIS IS NOT AN OFFICIAL STATEMENT
OF THE COURT, BUT IS INTENDED SOLELY
FOR THE CONVENIENCE OF THE PRESS.

FOR IMMEDIATE RELEASE

IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 37528

IN THE MATTER OF THE VERIFIED)
PETITION FOR ISSUANCE OF A WRIT)
OF PROHIBITION.)

-----)
HON. LAWRENCE G. WASDEN, the)
Attorney General of Idaho, ex rel. the STATE)
OF IDAHO,)

Petitioner,)

v.)

IDAHO STATE BOARD OF LAND)
COMMISSIONERS, and GEORGE BACON,)
in his official capacity as Director of the Idaho)
Department of Lands,)

Respondents.)

Boise, June 2010 Term

2010 Opinion No. 128

Filed: December 1, 2010

Stephen Kenyon, Clerk

Petition for Issuance of Writ of Prohibition filed by Hon. Lawrence G. Wasden,
Attorney General.

The motion to dismiss is granted.

Hon. Lawrence G. Wasden, Attorney General, Boise, for petitioner. Melissa N.
Moody argued.

Hawley, Troxell, Ennis & Hawley, Boise, for respondents. Merlyn W. Clark
argued.

Attorney General Wasden filed a Petition for Writ of Prohibition, arguing that the Idaho State Board of Land Commissioners is violating its constitutional duty, under Article 9, section 8 of the Idaho Constitution, in its proposed leasing rate scheme for the recreational home sites located on Payette and Priest lakes. The Board, in turn, filed a Motion to Dismiss.

In a 3-2 decision, the Idaho Supreme Court granted the Board's motion to dismiss, finding that Attorney General Wasden had an alternative plain, speedy, and adequate remedy at law by means of joining an action for declaratory judgment with a request for injunctive relief.